

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEPHEN ANTHONY GUBBINI,

Defendant-Appellant.

UNPUBLISHED
June 26, 2014

No. 314215
Wayne Circuit Court
LC No. 12-004366-FH

Before: MARKEY, P.J., and SAWYER and WILDER, JJ.

MARKEY, J. (*concurring*).

I concur in result of the majority opinion. But I write separately because although the majority opinion follows the rule of law, as it should, it cannot nor does it address or acknowledge the frankly bizarre and outrageous fact scenario with which we are presented and which I think should be highlighted. This is a case that never should have been.

The precious resources of this state and Detroit/Wayne County have been squandered in this case, the blame for which rests in large part with the police officer who allowed an obnoxious driver, defendant, to goad him into a course of action that ultimately resulted in the numerous criminal charges and convictions that are before us in this case. Had the police officer maintained his professionalism and simply ignored defendant after their initial, rather benign, encounter, each would have gone his way.

The sad fact is that every day our law enforcement are met with difficult, dangerous situations, oftentimes involving unruly, belligerent, intoxicated, mentally ill, and dangerous individuals. But our troopers, deputies, and police officers are trained and equipped to handle tense situations and difficult people. So even though it is always the defendant who in fact commits the crimes, in this unusual fact scenario, it was the police officer who in truth

precipitated this unnecessary fiasco. He merely had to hold his temper, tamp down his pride and drive away to have avoided this situation. The same observance goes for defendant.

In sum, I hope both Officer James Thorburn and defendant have learned a lot.

/s/ Jane E. Markey